



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

24503331879



LANE MEDICAL LIBRARY STANFORD
1998 U59 1908
The international prison congress : its

THE
INTERNATIONAL PRISON CONGRESS
ITS ORIGIN, AIMS, AND OBJECTS

TOGETHER WITH THE

PROGRAMME OF QUESTIONS

FOR THE

EIGHTH INTERNATIONAL PRISON CONGRESS

TO BE HELD AT

WASHINGTON, D. C., 1910

SAMUEL J. BARROWS

*Commissioner for the
United States*

WASHINGTON
GOVERNMENT PRINTING OFFICE

1908

1998
U59
1908

LANE

MEDICAL



LIBRARY

LEVI COOPER LANE FUND

INTERNATIONAL PRISON CONGRESS.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A REPORT BY THE ACTING SECRETARY OF STATE COVERING PAPERS PRESENTED BY MR. SAMUEL J. BARROWS, COMMISSIONER FOR THE UNITED STATES ON THE INTERNATIONAL PRISON COMMISSION, SETTING FORTH THE ORIGIN, HISTORY, SCOPE, AND OBJECT OF THE INTERNATIONAL PRISON CONGRESS, AND THE PROGRAMME OF QUESTIONS TO BE DISCUSSED AT THE NEXT MEETING OF THE CONGRESS, TO BE HELD AT WASHINGTON IN 1910.

MAY 5, 1908.—Read; referred to the Committee on Foreign Relations and ordered to be printed.

To the Senate and House of Representatives:

I transmit, for the information of Congress, a report by the Acting Secretary of State covering papers presented by Mr. Samuel J. Barrows, Commissioner for the United States on the International Prison Commission, setting forth the origin, history, scope, and object of the International Prison Congress, and the programme of questions to be discussed at the next meeting of the Congress, which, in pursuance of the invitation of the Congress of the United States, will take place at Washington in 1910.

THEODORE ROOSEVELT.

THE WHITE HOUSE, May 5, 1908.

The PRESIDENT:

The undersigned, Acting Secretary of State, has the honor to lay before the President, with a view to the transmission of the papers to Congress, a copy of a letter from Mr. Samuel J. Barrows, Commissioner for the United States on the International Prison Commission, presenting a brief report setting forth the origin, history, scope, and object of the International Prison Congress, and the programme

of questions adopted for discussion at the next Congress, which, in pursuance of the invitation extended by the Congress of the United States, is to meet at Washington in 1910.

Respectfully submitted.

ROBERT BACON.

DEPARTMENT OF STATE,
Washington, May 4, 1908.

INTERNATIONAL PRISON COMMISSION,
New York City, May 3, 1908.

SIR: In view of the fact that the Congress of the United States extended, through the President, an invitation to the International Prison Congress to meet in Washington in 1910, and that this invitation has been accepted, it is important that due publicity should be given to the matter in the United States. I therefore have the honor to present herewith a brief report setting forth the origin, history, scope, and object of the International Prison Congress, which is followed by the programme of questions adopted for discussion at the next congress.

I respectfully request that this report may be presented to Congress, with a view to its publication.

I have the honor to be, sir, your obedient servant,

SAMUEL J. BARROWS,
*Commissioner for the United States on the
International Prison Commission.*

HON. ELIHU ROOT,
Secretary of State, Washington, D. C.

THE INTERNATIONAL PRISON CONGRESS.

The Government of the United States took the initiative in the formation of the International Prison Congress, which was organized thirty-seven years ago under authority of a joint resolution of Congress passed March 7, 1871. Dr. E. C. Wines was appointed a commissioner by President Grant to secure the cooperation of European governments in the holding of a great international congress for the discussion of all matters relating to the prevention and treatment of crime, the improvement of criminal law, and of prison administration.

In the execution of this commission Doctor Wines visited Europe in 1871. He opened personal communication with the governments of Great Britain, France, Belgium, the Netherlands, the North German Empire, Austria, Italy, and Switzerland. Everywhere his proposition was received with favor by the governments addressed and by private citizens interested in penology.

As a result of the indefatigable efforts of the commissioners, supported by the authority and prestige of our Government, the first meeting of the International Prison Congress was held at London in 1872.

BARCELONA

In the proceedings of that congress the part taken by the United States and its commissioner in the calling together and organization of that congress are generously recognized as they have been at nearly every meeting of the congress since held.

As a result of the meeting in London the congress was organized on a permanent basis. Provision was made for the holding of international congresses once in five years, but to give continuity to the work of investigation, the diffusion of information, and to secure a closer intercourse between the nations, the International Prison Commission, composed of one official representative of each of the adhering countries, was organized, and serves as the executive committee and permanent council of the congress.

SCOPE OF THE WORK.

The name "Prison Congress" does not give a clear idea of its scope and work. It is an international organization against crime, which is no longer a local question and can not be dealt with simply by local machinery. What are the sources of crime? How can it be prevented? What measures can different nations take to promote their own security? How shall we deal with the offender so as to correct and reform him? What protection shall be thrown around children and minors? are important questions in modern civilization. It will thus be seen that the word "prison" only partly suggests the great aim of this congress, which is to promote social order, reduce vice, improve environment, strengthen preventive agencies against crime, and promote the rehabilitation of the offender.

ORGANIZATION.

The congress is divided into four sections:

Section I relates to criminal law. In this section are some of the most eminent jurists in Europe. The discussions here are not merely academic. They relate to the fundamental principles of penal law and their practical application. They include the organization and administration of courts, the structure of penal codes, questions of criminal procedure, the classification of offenses, and application of penalties. Questions of extradition, the relation of nations to each other in the suppression of crime naturally fall under this section.

Section II relates to prison administration. It is naturally made up of those who have had experience as directors, superintendents, or wardens of prisons or correctional institutions. Everything relating to prison structure, hygiene, prison industries, the classification, organization, and education of offenders to dietaries, medical treatment, the prevention and cure of tuberculosis, and other prison diseases, the study of the criminal, and many other practical questions come under this section.

Section III relates to preventive means. This covers a wide field of sociological inquiry as to the causes and the prevention of crime.

Section IV relates to children and minors. Child saving is one of the most important and absorbing questions of our time. Neglected childhood, whether from neglected homes, neglected schools, or neglected factories, means an increase of crime. This section has given

a new impetus to the subject of children's courts and the legal treatment of children accused of crime. Though the congress has done much to indicate better methods of prison discipline and improvement in criminal codes, it is destined to have a still greater influence in the reduction of crime through the serious study and attention which it is now giving to all preventive influences.

THE WORK OF THE INTERNATIONAL PRISON COMMISSION.

The commission, which, as already said, is the executive arm of the congress, meets every other year. It is composed of one member of each of the nations that have formally joined the commission and annually subscribe to its funds. It is the work of the commission to prepare and secure reports and conduct investigations in the different countries on every aspect of the subject of crime and its treatment. The proceedings of the commission and other reports are published from time to time and circulated among the various nations.

In addition to the reports published in French relating to the prison systems of other countries, the following reports have been prepared and edited for the International Prison Commission by the commissioners for the United States, with the cooperation of associates in different States:

Report of the delegates of the United States to the Fifth International Prison Congress, held at Paris, France, in July, 1895.

The criminal insane in the United States and in foreign countries. (55th Cong., 2d sess., Senate Doc. No. 273, 1898.)

The indeterminate sentence and parole law. (55th Cong., 3d sess., Senate Doc. No. 159.)

Penological questions. (55th Cong., 3d sess., Senate Doc. No. 158.)

New legislation concerning crimes, misdemeanors, and penalties. (55th Cong., 1st sess., 1907.)

The reformatory system in the United States. (56th Cong., 1st sess., House Doc. No. 459.)

Prison systems of the United States. (56th Cong., 1st sess., House Doc. 566.)

The cost of crime. (56th Cong., 2d sess., House Doc. No. 491.)

Growth of the criminal law of the United States. (57th Cong., 1st sess., House Doc. No. 362.)

The Sixth International Prison Congress, held at Brussels, Belgium, 1900. (57th Cong., 2d sess., House Doc. No. 374.)

Penal codes of France, Germany, Belgium, and Japan. (56th Cong., 2d sess., House Doc. No. 489.)

Modern prison systems. (57th Cong., 2d sess., House Doc. No. 452.)

Programme of questions for the Seventh International Prison Congress to be held at Budapest, Hungary, 1905. (58th Cong., 2d sess., H. Doc. No. 702.)

Children's courts in the United States; their origin, development, and results. (58th Cong., 2d sess., H. Doc. No. 701.)

Tuberculosis in penal institutions. (58th Cong., 3d sess., H. Doc. No. 192.)

The Seventh International Prison Congress, held at Budapest, Hungary, 1905. Washington, Government Printing Office, 1907.

PREVIOUS CONGRESSES.

At intervals of five years congresses have been held at London, Stockholm, Rome, St. Petersburg, Paris, Brussels, and Budapest. The congress has always been officially invited by the government of the country in which it was held, and the sessions have always been held at the national capital, but unofficial national and local organizations, distinguished specialists, and many private philanthropists have contributed greatly to the success of the conferences. While the congress rests on a basis of government support, it must depend largely on the cooperation of private societies and individuals interested in various aspects of modern penology.

THE NEXT CONGRESS AT WASHINGTON IN 1910.

Though the United States took the lead in organizing and establishing the International Prison Congress, and its first president was the American commissioner, Dr. E. C. Wines, it has thus far held no meeting in the United States. By a joint resolution of the Senate and House of Representatives of the United States, approved March 3, 1905, the President was authorized and requested to extend to the International Prison Congress an invitation to hold in the United States its eighth congress. This invitation, extended by the President of the United States, was accepted with enthusiasm and unanimity, and the congress will meet accordingly in Washington, D. C., in September, 1910.

COOPERATION OF SOUTH AMERICAN STATES.

With the exception of Cuba and Mexico the South American States have not heretofore been represented at the congresses, and Cuba alone has a member on the International Prison Commission. It is earnestly desired that the South American States should be fully represented at the Washington meeting. While the continents of North and South America are now being brought into a closer commercial and material union, shall not the eminent jurists, philanthropists, and sociologists of both continents come together in fraternal conference with the men and women of the Old World, banded together in this congress to raise the level of our modern civilization?

FORTY YEARS OF PROGRESS.

In the last forty years the International Prison Congress has had a marked influence on modern civilization. Wiser laws, better institutions, improved methods for social protection, new agencies for the prevention of crime and for the study, treatment, and reformation of the prisoner are directly traceable to its influence. It has served as an international clearing house for the collection and diffusion of information. National and local societies have grown from its loins. Our age is marked by a high standard of justice and humanity. Inspired by this spirit, the International Congress has helped to win for it new victories. The meeting at Washington will give an opportunity to show what has been accomplished in forty

years in the domain of criminal law and practical and applied penology.

EDUCATIONAL AND PHILANTHROPIC SOCIETIES.

As this congress deals not only with the punishment of crime, but with the great questions of prevention and child saving, all societies whose work lies in any part of this field are urged to send representatives. Sociology is now an important department in most American colleges, and it is hoped that professors and the teaching force of our universities will be largely represented.

PROGRAMME OF QUESTIONS FOR THE EIGHTH INTERNATIONAL PRISON CONGRESS TO BE HELD AT WASHINGTON, U. S. A., 1910.

[Adopted by the International Prison Commission.]

PROGRAMME OF THE NEXT CONGRESS.

It is the practice of the International Prison Commission to adopt, more than a year in advance, the programme of questions for the succeeding International Prison Congress, and to submit the same, with explanatory notes, to members of the congress and other experts in various countries, with the view of securing a sufficient number of authoritative reports or monographs on each question.

These reports are not read at the congress, but a digest and analysis is made of them all by a special reporter on each question, and they furnish the basis of discussion.

The notes subjoined to these questions have been prepared by the Commission to set forth more distinctly the special problems involved and the data desired.

I have been instructed by the Commission to cordially invite the cooperation of writers and workers in the United States in the large field covered by the congress. Papers should be as concise as possible, consistent with an adequate presentation of facts and opinions, and should be submitted to the commissioner of the United States as early as possible that they may be translated into French and be published and distributed some months in advance of the meeting of the congress.

Papers, communications, and letters of inquiry may be addressed to Samuel J. Barrows, commissioner for the United States, 135 East Fifteenth street, New York City.

FIRST SECTION.—*Penal legislation.*

"Question 1. Assuming that a rational relation exists between the principle of the indeterminate sentence and the fundamental principles of criminal jurisprudence—

"(a) What class of delinquents should be submitted to, and what class excluded from its application?

"(b) How may a sentence of this kind without minimum or maximum limits be applied without danger to individual liberty?

"If it is not admitted that there is a rational relation between the principle of the indeterminate sentence and the fundamental principles of criminal jurisprudence, is there ground for adding to the definite sentence with respect to a particular individual a restriction in the form of a supplemental penalty; and if so, in what cases, and how is it to be applied?"

While jurists are still discussing the philosophy of the indefinite sentence and its relation to criminal jurisprudence this form of sentence has already been adopted in seven States of the United States, under varying conditions. In some cases the maximum limit for which a prisoner may be held is the maximum limit for the offense prescribed by the code. In other cases the court may fix a minimum or maximum limit within the time limits prescribed by the code. There are those who urge the adoption of a purely indefinite sentence, without maximum or minimum limit, either in the code or in the discretion of the judge, but leaving the conditional liberation of the prisoner to be determined by a

board of parole or a court of release. While the ordinary safeguards of liberty would exist as to the commitment of the prisoner, what conditions in general should govern his release, and how should the court of release be formed and with what powers invested? Will it not be possible by modification of our judicial system, conferring upon the court of release the power of conditional release now held by the court of commitment, to gain the advantages of an absolute indeterminate sentence?

The final paragraph of the question would naturally be confined in its application to countries in which the indeterminate sentence does not exist. In addition to the principal sentence, which may be for a definite term of imprisonment, is it desirable in certain cases to fix a supplementary penalty? Forms of supplementary penalties already existing in some countries are a certain period of police supervision, the deprivation of civil rights, the payment of a fine. The question raised is, whether such secondary penalties are desirable and when and how they should be applied.

"Question 2. How and in what manner may effect be given to penal sentences pronounced by foreign tribunals, especially with reference to habitual criminality and legal incapacity?"

According to the laws of the United States an immigrant who has been convicted of felony in a foreign country may be deported.

Certain States of the United States have habitual-criminal laws providing that a person who has been convicted a certain number of times for felony shall be imprisoned for twenty-five years or for life. How may it be ascertained that there have been previous convictions in other States and countries, and how may this knowledge be used in dealing with such cases?

"Question 3. To resist the tendency of criminals to band themselves together is it not desirable to make participation in criminal acts or agreements a distinct crime, or at least to make all such complicity a legal aggravation?"

The scope of the question is evident, but it may well be asked whether such modifications of criminal codes have any practical deterrent value. The criminal class as such seldom consult them and are scarcely deterred by subtle distinctions; but, on the other hand, is it not desirable that our code should be simplified and strengthened so as to furnish better protection to society in dealing with offenders? The minute distinctions made in our codes as to the degree of participation in crime are technical and arbitrary and enable certain criminals who organize or direct the operations of other criminals to escape punishment.

"Question 4. What part does the death penalty play in the penal system of the different countries?"

The object of this question is to secure a body of information from every country in the world in which there is an organized administration of justice concerning the existence or nonexistence of the death penalty. In many countries the death penalty has been abolished for a long period of years; it is now possible to ascertain what has been the effect of such abolition as to the commission of crimes for which the death penalty was imposed. Thus, in England, more than a century ago, a large number of offenses, said by some writers to be at least 200 in number, were included in the list of capital crimes. Until 1894 under the Federal laws of the United States 25 offenses were punishable by death under the military code, 22 under the naval code, and under the criminal code there were not less than 17. Has the number of such offenses decreased or increased in proportion to the population since the abolition of the death penalty? The answers to this question will furnish material for deduction as to the deterrent value of the death penalty.

In countries retaining the death penalty in the criminal code it is important to ascertain whether it is actually applied and to what extent.

In certain States and countries changes have been made in the manner of inflicting it. Private executions have been substituted for public ones, and electricity has been substituted for hanging or for the guillotine.

To obtain uniform facts and statistics the following schedule of questions has been prepared:

FACTS.

1. Did the death penalty exist in your State in 1905? {Yes.
No.
2. Enumerate the offenses for which inflicted.

3. What, if any, other offenses were thus punished in 1850?

(If the information is not obtainable from this date, then give it for any later date for which it is obtainable.)

4. Give dates of abolition of the death penalty for the offenses (if any) given in reply to question 3.

5. What, if any, offenses have been added since 1850 to the list punishable by death?

6. What punishment has been substituted for the death penalty in the case of each offense included in answer to question 3?

7. In the case of each offense for which the death penalty has been inflicted at any time since 1850, give table, by years, of number of trials and of convictions in this form:

Year.	Population.	Number of trials for—	Number of convictions.
1850			
1851			
1852, and so on each year to 1906, inclusive.			

8. Are executions public or limited to a number of legal witnesses?

9. If not public, when were public executions abolished?

10. How is the death penalty applied and under what regulations?

11. If the death penalty is still authorized by law in your State, to what extent is its application suspended?

(a) In how many cases has the sentence been commuted to life imprisonment (a) by the jury; (b) by executive authority?

(b) In how many cases of indictment for murder was conviction secured on some lower degree of the offense, such as murder in the second degree or manslaughter?

(c) In how many cases of murder did the perpetrator commit suicide?

OPINIONS.

12. What do you believe to be the effects of the changes, if any, in relation to the application or restriction of the death penalty?

13. What is the public sentiment as to the effect of these changes?

14. If public executions have been abolished, what do you believe to have been the effect on public morals and on criminality?

15. Any other remarks or suggestions.

SECOND SECTION.—*Prison administration.*

"Question 1. What are the essential principles of a modern reformatory system, and upon what rational methods should it be based? Should its application be limited by age, or other classification? If so, under what limitations?

"Must we not admit the necessity of special treatment for youthful criminals and even recidivists from 16 to 21 or 23 years, recognizing the plasticity of that age and the possibility of curing by special methods physical, moral, and intellectual, the perverted instincts of young offenders? In that case is it not desirable to give to the courts the power of imposing a special penalty:

"(a) Sufficiently long to permit the full application of all means of reformation?

"(b) Permitting the free application of conditional liberation?"

The reformation of the prisoner is now universally accepted as one of the principal ends of prison administration. The main question is, How is it to be secured? With this end in view different prison systems have been developed. Under one system this end is supposed to be best promoted by completely isolating the offender from his fellow-prisoners with a view to individual treatment. In other systems social treatment is preferred as a preparation for social duties. The methods of treatment under these systems differ widely, and the whole structure, organization, and discipline of the prison are affected by them. The object of the question is to bring out the principles and methods, however varied they may be, accepted in different countries, not merely for punishing the prisoner for his offense, but for properly preparing him to lead a law-abiding life on returning to society.

The question opens the whole range of moral and educational influences which may be applied in prison, and how far they can be adapted to different systems, whether congregate, cellular, or a union of both; whether prisoners are colonized on State farms or organized in State prisons or reformatories.

Both in Europe and America an educative reformatory system is now applied to juvenile delinquents under the age of 16. In some countries it is applied until 21 years of age. In the United States the same educational system, with necessary modifications, has been extended to prisoners 30 years of age. Where shall the age line be drawn? Is not the limit of legal majority arbitrary? A marking and grading system combined with prison school and other educational influences is applied in some prisons even to prisoners in middle life.

It is hoped that the question will secure a presentation of what are regarded as fundamental reformatory principles of universal application, with elastic methods adapted to different conditions.

"Question 2. What improvements may be made in the parole system or the system of conditional liberation already existing in certain countries?"

Many considerations affect the question of conditional liberation which here refers to liberation after imprisonment. In various States the prisoner's time may be shortened so many days per month by good behavior. In other States a marking and grading system is invoked by which the prisoner's eligibility to conditional release is determined. What authority shall decide as to the prisoner's release? How shall boards of parole or courts of release be constituted? Shall they be paid or unpaid? How shall surveillance be exercised over prisoners on parole? How long shall a term of parole extend, and under what conditions shall it be revoked?

"Question 3. What are the best means for assuring productive work for prisoners in small prisons?"

The object of this question is not to open up the whole question of prison labor in its economic relations, but to deal with the practical question of prison administration. Labor in prison is absolutely necessary for the physical and moral welfare of prisoners. It is most easily classified and organized in large establishments. This constitutes an important argument for abandoning the practice which prevails in many American States of committing prisoners to county jails, where they have little or no opportunity for work. The centralization of control by the State and the organization of labor in district prisons by the State will obviate the necessity of using jails except as houses of detention for those awaiting trial.

As, however, many prisoners are committed to jails and small prisons for terms varying from a few days to twelve months, how shall permanent and effective work be provided for them? What forms of hand labor may be profitably introduced? Can prisoners be employed in out-of-door work? The development of the dynamo renders it possible under the cellular system to introduce machines driven by power in a comparatively small place.

The answer to this question will be determined largely by economic and local conditions.

THIRD SECTION.—*Preventive means.*

"Question 1. What is the effect upon criminality of the legal measures taken in different States in the form of probation or suspension of sentence, etc., to avoid the necessity of imprisonment, especially at the time of first conviction, taking account of the age, character, and antecedents of the person? And is it desirable that these and similar laws should be extended?"

In certain European and American States the practice of suspending sentence (*sursis*), or placing offenders on probation under friendly or custodial supervision, has been carried on for a number of years. A body of judicial statistics has been accumulated, valuable for purposes of comparison. It is possible to answer with some definiteness whether the treatment of such offenders without imprisonment has been followed by any increase of crime, and whether the results obtained from placing them under probation have been satisfactory. An interesting and valuable array of testimony ought to furnish an answer to these questions.

"Question 2. What measures should be taken for the suppression of mendicity and vagabondage, especially in view of modern criminal tendencies?"

"What rules should be adopted for the organization of workhouses for mendicants and vagabonds?"

Two questions originally separated have been brought together under this head, one of them opening the broad subject of the prevention and cure of vagabondage and the other fixing attention on the best way to treat vagabonds when they are under the grasp of the law.

"Question 3. How is it possible, while paying due attention to the correction of the offender, to lighten the heavy economic burden falling upon families owing to the imprisonment of those upon whom they are dependent?"

More briefly stated, the question is how to correct the prisoner without punishing the family. As laws are at present administered in many States the burden of imprisonment falls heavier upon the family than upon the prisoner. While the latter is sure of shelter and food his family often suffer at home. Obvious relief is furnished in such cases by placing the prisoner on probation under conditions permitting him to work and support his family. In answering question 1 of this section the economic value of the labor of probationers, often seriously diminished by imprisonment, should not be overlooked.

When, however, it is found necessary to commit offenders to prison the conditions necessary for the relief of the families are, first, that the prisoner should engage in remunerative labor, and second, that an adequate portion of his earnings should be assigned to his family.

The desertion of wife and children by husbands and fathers or the failure to support their families, or the failure of others physically capable of work to support their families, has led in some States to more stringent laws as to the arrest and imprisonment of such offenders. Little relief is furnished the family by classifying the offense as more serious or lengthening the term of imprisonment. Other measures for the relief of the family have now been proposed, and are on trial in a small number of places, by compelling a prisoner to work during the whole period of his confinement and assigning weekly a portion of his earnings to his family. In some States the lack of remunerative prison labor may render such an assignment difficult. In other States where prison labor is profitable the assignment of money to the family may be made without difficulty.

"Question 4. Have the experiments of the last ten years made in certain countries providing special establishments for the detention of inebriate criminals, even recidivists, for long periods (two or three years) been successful or not?"

"Is it necessary to complete the penitentiary discipline of these establishments by special medical treatment?"

FOURTH SECTION.—*Questions relating to children and to minors.*

"Question 1. Should young delinquents be subjected to the penal procedure applicable to adults? If not, what principles should guide the procedure applied to children and youthful offenders?"

In the last ten years a world-wide interest has been developed in regard to the best legal disposition of children arraigned for various offenses. In the United States the interest thus awakened has found expression in the development of children's courts. In Europe a similar interest is making itself felt in new modifications of judicial procedure. Whether in Europe or America the aim seems to be to submit children to processes which are educational and corrective rather than to those which are penal and oppressive. The legal traditions of the different countries will doubtless modify the practice, but it is hoped that the answers to be prepared for these questions will show not only how widespread is the interest it represents, but also how firmly established is the principle upon which its solution depends.

"Question 2. Should special establishments be maintained for abnormal, backward, and feeble-minded children showing dangerous moral tendencies?"

The treatment of children mentally defective is provided for by institutions in every civilized country, but a certain number of such children show criminal tendencies and commit offenses which bring them under the scope of the penal law. They are not proper subjects for commitment to prison; their limited development prevents them from fitting into an educational scheme of reformatory institutions. On the other hand, on account of their criminal tendencies they are not welcome inmates of the ordinary institutions for the feeble-minded. Is it desirable to establish institutions for this class, and should

such establishments be adjuncts to existing institutions for the feeble-minded or independent institutions?

"Question 3. What measures should be taken to correct the idleness and vagabondage of children in large cities?"

While the subject of vagabondage and its treatment is presented in question 2 of the third section, it is framed here in another form with a view of concentrating attention upon the special dangers to which idle and neglected children are exposed in great cities.

"Question 4. Is it desirable to take special measures for the protection of children born outside of wedlock; and if so, what measures?"

"Owing to the neglect or abandonment due to irresponsible parents, are such children sufficiently protected by existing laws and institutions, or is special legislation and provision desirable?"

A QUESTION FOR INVESTIGATION.

Without placing it on the programme of the discussion for the next Congress, the Commission has deemed it desirable to collect information in answer to the following question:

How should local prisons, jails, and lockups be constructed and organized?

O

LANE MEDICAL LIBRARY

To avoid fine, this book should be returned on
or before the date last stamped below.

--	--	--

1998 U.S. Congress. Senate.
059 The International
1908 prison congress.

[illegible]

